

## **Deficiency Status Report 2**

**(Enter Date submitted)**

**CUPA: San Benito County**

**Date of Evaluation: May 18 and May 19, 2006**

**Next Status Report Due: May 29, 2007**

### **Evaluation Team:**

***Cal/EPA Team Leader: Robbie Morris and John Paine***

***DTSC Evaluator: Mark Pear***

***OES Evaluator: Fred Mehr***

***SWRCB Evaluator: Sean Farrow***

Based on the corrective action responses, the following deficiencies are considered corrected and no further updates are required: 3, 5, 6, 7

## **Deficiencies and Corrective Actions**

The following deficiencies are still in progress and an update of the progress towards correction should be provided below.

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**Deficiency # 1 and # 2: The CUPA has not met the mandated inspection frequencies for those regulated businesses for an inspection once every year (UGT) and every three years (other program elements).**

**Preliminary Corrective Action:** Will be to increase the number of inspections to meet all required inspection frequencies. By September 1, 2006, the CUPA will identify how they will meet the required number of inspections for future fiscal years.

**CUPA Corrective Action # 1, #2:** The 2005-2006 fiscal year had a total number of business plan facilities at 236. The goal is to conduct 90 inspections each year to maintain an acceptable inspection program.

This year (2005-2006) I inspected 85 program elements. The number of business plan inspections conducted by the CUPA totaled 31; all five UGT facilities were inspected in the County by the CUPA for a total of 10 underground tank system inspections; 43 hazardous waste generators were inspected by the CUPA and the CUPA conducted one inspection of a CalARP site. The PA is required to perform inspections for 71 HMBP sites and 18 UGT facilities with 53 UGT inspections; that is, 76 inspections per year. In

2005-2006 the PA performed 19 business plan inspections and one UGT inspection with 3 tanks for a total of 21 inspections for the 2005-2006.

The inventory for 2006-2007 has increased and the PA has opted out of the program thereby increasing the minimum number of inspections to 179. To this end, I have requested 1583 hours for the 2006-2007 fiscal year to meet the minimum requirements (inserted as Time Justify 2006)

**Corrective Action Status Update #2:** Enter status update here.

The time I am able to perform CUPA duties remains at approximately 32 percent, 37 percent other environmental health programs, 16 percent travel time and 14 percent out of the office.

As of today for the fiscal 2006-2007 year ending June 30, 2007, I have inspected 74 program components. That is, forty-four (44) Hazardous Materials Business Plans; eight (8) Hazardous Waste Generators and twenty (22) Underground Tanks. (My log sheet of CUPA Inspections is inserted as CUPA Inspections 2000 to Present)

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**Deficiency # 3: The CUPA is not ensuring that all UST facilities have a current operating permit. Files reviewed indicate several facilities has expired permits.**

Preliminary Corrective Action: Effective immediately, the CUPA will identify businesses with an expired permit and bring them into compliance in accordance with their permit procedures.

**CUPA Corrective Action # 3:** On May 22, 2006 an enforcement letter was written to Hollister City Gas, Hollister Disposal, AWA Chevron, Safeway (attachment # 2) and Hollister Public Works giving them a notice of a significant violation and 7 days to obtain a permit. All five facilities obtained compliance.

**Corrective Action Status Update #2:** Corrected

Permits are required to be obtained by March 1 each year. Final notices have been sent to those facilities that have not obtained a permit as of this date.

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**Deficiency # 4: Based on reviewed files, the CUPA is not accurately documenting violations in their inspection reports nor are they accurately reporting these violations on their annual summary report # 4.**

Preliminary Corrective Action: Effective immediately, the CUPA will document all violations on their inspection reports. The CUPA will also accurately report violations on their 2005-2006 annual enforcement summary report.

**Corrective Action Status Update #1:** The CUPA reviewed every inspection report in the 2005-2006 year and categorized each violation as class 1 violation, class 2 violation and minor violation. This was reported in the 2005-2006 annual enforcement summary report (attachment # 3).

**Corrective Action Status Update #2:** Enter status update here.

Violations are tracked and recorded for possible legal action and inclusion in the summary report.

**Documentation Request:** In addition to the status report, please submit via fax or email an inspection report from FY 05/06 that contains a Class 1 violation.

MK Ballistics was inspected in 2005-2006. The site is currently being prosecuted by DTSC for various problems including hazardous waste disposal. (*Inserted as CUPA Insp MK Balist 2005*)

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**Deficiency # 5: The CUPA is not fully documenting Return to Compliance from businesses found to have violations. The CUPA has developed a certification of RTC but the form was not found returned and properly completed in some facility files.**

Preliminary Corrective Action: Effective immediately, the CUPA will ensure businesses submit documenting correction of all violations and certification of return to compliance or conduct reinspections.

**Corrective Action Status Update #1:** Return to compliance forms are sent out with each inspection report (attachment # 4). It is hoped that businesses mail in their return to compliance in a timely manner although this is not always the case. As time permits we are sending out enforcement notices for those businesses that have not submitted their return to compliance.

**Corrective Action Status Update #2:** Corrected

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**Deficiency # 6: The CUPA's Unidocs map is missing two required elements. The missing elements are "Adjacent Property Use" and Access and egress points.**

Preliminary Corrective Action: The deficiency was corrected during the evaluation by providing the county map in place of the Unidocs map.

**Corrective Action Status Update #1:** We continue to provide county mapping procedures.

**Corrective Action Status Update #2:** [Corrected](#)

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**Deficiency # 7: The CUPA is not enforcing the mandated requirement for businesses to review and update their emergency response procedures tri-annually. Numerous business plan reviews are missing emergency response contingency plans.**

Preliminary Corrective Action: By October 1, 2006, the CUPA will develop a process to ensure that each business certifies to the CUPA, and that each business has reviewed their emergency response procedures on a tri-annual basis and make necessary changes.

**Corrective Action Status Update #1:** An employee training plan, record keeping procedures and emergency equipment inventory table has been developed for inclusion in with the annual declaration (attachment #5). The county has been developed and used an emergency plan template for the past year however it is provided as a part of the inspection process and has not been made readily accessible to the business population until they have been inspected (attachment # 6)

**Corrective Action Status Update #2:** [Corrected](#)

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**Deficiency # 8: Review of the UGT files indicates business permits do not contain all required UST permit conditions. The permit is missing "monitoring requirements" and the following statements: (a) The approved monitoring, response and plot plans shall be maintained on site with the permit; (b) The owner and operator are subject to all applicable requirements of Chapter 6.7 and chapter 6.75 of the Health and Safety Code and title 23 division 3 chapters 16 and 18 and; (c) The permit is to be maintained on site.**

Preliminary Corrective Action: By June 30, 2006, the CUPA will amend their permit to include these requirements

**Corrective Action Status Update #1:** See attachment # 7.

**Corrective Action Status Update #2:** Enter status update here.

**Documentation Request:** In addition to the status report, please submit via fax or email a revised sample permit that contains all the required permit conditions.

A copy of the new permit format was included in the last update, an actual permit for Pac Bell has been scanned and is inserted as **SBC Permit**.

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**Deficiency # 9: Based on review of the CUPA files, some of the businesses were missing monitoring plans.**

Preliminary Corrective Action: By October 1, 2006, the CUPA will review their files to identify those missing the monitoring plans and request those businesses submit monitoring plans.

**Corrective Action Status Update #1:** Files have been reviewed and a template monitoring plan is being developed redesigned to be provided during the next annual UGT inspection (attachment # 8).

**Corrective Action Status Update #2:** Enter status update here.

**Documentation Request:** In addition to the status report, please submit via fax or email a UST facility monitoring plan, inspection report, and other supporting documentation from one of the CUPA's UST files.

**Inspections are inserted as CUPA Insp UGT Pac Bell 2006; CUPA Insp UGT Dassels 2005-06 and Dassels Compliance.**

**The monitoring plan is inserted as SBC.**

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**Deficiency # 10: The CUPA is approving UST plot plans without all of the required elements.**

Preliminary Corrective Action: Effective immediately, the CUPA will approve UST plot plans that have all of the required elements including the sensor and equipment locations; tank annular space; sumps and dispenser pan; spill containers or other secondary containment areas; mechanical or electronic leak detectors and; in-tank liquid level probes.

**Corrective Action Status Update #1:** UST plot plans will be checked for accuracy with the above preliminary corrective action note and any required changes and/or additions will be addressed during the next scheduled inspection as a violation and correction notice.

**Corrective Action Status Update #2:** Enter status update here.

**Documentation Request:** In addition to the status report, please submit via fax or email a UST facility plot plan that contain all of the required elements from one of the CUPA's UST files.

**A facility map is inserted above as SBC map**

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Thank you Ray, I will look it over and get back to you should I have questions.

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